

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDON LEE GARZA,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 3:23-cv-00097-ART-CSD

ORDER

I. DISCUSSION

Pro se Plaintiff Brandon Lee Garza initiated this action with a civil rights complaint under 42 U.S.C. § 1983, a motion for appointment of counsel and for an evidentiary hearing, and an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1-2, 4.) Plaintiff has now filed a motion requesting to dismiss this action “for being [an] accidental duplicate.” (ECF No. 5.) Plaintiff motion also states that he is pursing this action through other means. (*Id.*)

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). This case is still at a pre-screening stage and no responsive pleading has been filed. As such, the Court grants the motion and dismisses this action without prejudice.

II. CONCLUSION

For the foregoing reasons, it is ordered that Plaintiff’s motion for voluntary dismissal (ECF No. 5) is granted.


It is further ordered that this action is dismissed in its entirety without prejudice.

1 It is further ordered that Plaintiff's motion for appointment of counsel and
2 for an evidentiary hearing (ECF No. 1-2) is denied as moot.

3 It is further ordered that Plaintiff's application to proceed *in forma pauperis*
4 (ECF No. 4) is denied as moot.

5 It is further ordered that the Clerk of the Court will enter judgment
6 accordingly.

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8 DATED THIS 12th day of May 2023.

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11 ANNE R. TRAUM
12 UNITED STATES DISTRICT JUDGE
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